
ZONING CODE TEXT AMENDMENT

Initiator: Council Member Gordon
Introduction Date: June 21, 2019
Prepared By: Andrew Liska, Sr. City Planner, (612) 673-2264
Specific Site: Not applicable
Ward: All
Neighborhood: All
Intent: Amending regulations for accessory structure height.

APPLICABLE SECTIONS OF THE ZONING CODE

- Chapter 525, Administration and Enforcement
- Chapter 537, Accessory Uses and Structures

BACKGROUND

An ordinance amendment was introduced by CM Gordon to modify regulations related to accessory structure height. The proposed amendment would allow taller accessory structures and accessory dwelling units while also allowing accessory structures to exceed the height of principal structures.

Planning commissioners raised a number of ideas related to ensuring better outcomes related to garage design. Staff has explored options in revising standards associated with increasing garage height, however, given the volume of applications and the desire to not overregulate ancillary structures, staff is ultimately recommending standards similar to those presented to commissioners on January 16, 2020. Staff had originally recommended changes to definitions in Chapter 520. However, that chapter has not been introduced by the City Council as part of this amendment. Those changes may be considered in the future.

ANALYSIS

What is the reason for the amendment and what public purpose will be served?

The purpose of the amendment is to provide flexibility in constructing taller detached accessory structures, both garages and accessory dwelling units. By increasing the maximum height, applicants will have the ability to construct taller accessory structures. In addition, the proposed changes would give applicants the ability to apply for a variance to increase the height of accessory structures without the request being limited based on the height of the structure to which it is accessory. Code does not allow for this currently.

The public purpose served is providing homeowners the option to construct taller accessory structures to allow for modern construction methods, additional storage or usable second-level space, and a more energy efficient structure. More, it would allow the construction of accessory dwelling units to be taller than the principal structure, increasing the viability of ADUs throughout the City.

How is the amendment consistent with the purpose of the zoning district(s) or ordinance chapter(s) being amended?

The amendment is consistent with accessory structures and uses. CPED staff would like to ensure that garages and other accessory structures remain smaller than the residential buildings to which they are accessory. One of the ordinance standards governing accessory structures and uses states that, "the accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served." While the proposed amendment allows an increased height, the accessory structures including accessory dwelling units are still required to remain subordinate to the principal structure on site in terms of gross floor area.

Are there consequences in denying this amendment?

Denying the amendment would continue to limit accessory structure height especially on lots with shorter principal structures like single-story and story-and-a-half homes. More, denying the change to the variance language will not allow for people to apply for variances to increase accessory structure height above the principal structure. In increasing the accessory dwelling unit height, the additional foot of height will allow for adequate insulation between the garage area and the habitable space above. The plumbing and HVAC is often located in the floor joists and the height regulation today makes providing eight (8) inches of insulation from the plumbing/HVAC very challenging.

What adverse effects may result with the adoption of this amendment?

Adopting the ordinance may change the built environment within the City. This amendment would allow accessory dwelling units to be constructed as of right taller than the principal structure on site. Applicants would also have the ability to apply for variances to increase garages to be taller than principal structure. Minneapolis has traditionally ensured that garages and other secondary structures remain subordinate in size compared to the residential structures to which they are accessory. On blocks where single-story homes represent the predominant pattern, an accessory dwelling unit could become the tallest structure on a block once this ordinance is adopted. However, the overall floor area will still be required to remain smaller than the home to which the ADU is accessory.

By requiring the matching roof pitch and materials to the principal structure for increasing garage height, code is mitigating negative impacts for taller garages. Allowing taller garages without the matching requirements or other design standards may result in a negative visual impact to an area or at the very least, a large, utilitarian structure that does not complement the principal structure.

How does the amendment relate to other City ordinances?

This amendment doesn't directly relate to other city ordinances.

What factors are influencing the timing of the proposed amendment? Why?

A few factors are the impetus for the proposed changes. The author of the amendment has heard from constituents who feel that the accessory structure height ordinance unfairly limits shorter homes from having taller garages and the extra space above that is associated with them. Staff has also heard comments from both garage builders and architects designing accessory dwelling units urging the City to slightly increase the permitted height for accessory structures. The requests stem from changes to construction methods using an energy heel, a desire for a slightly steeper roof pitch, and adequately insulating the habitable space above garages in accessory dwelling units. Garage builders note that a standard sized Minneapolis garage of twenty-two (22) feet x twenty-two (22) with nine (9) foot walls and roof pitch of 7/12 results in a height of 12.2' – just over the twelve (12) foot height maximum of today.

How does the amendment compare to practices in other cities?

Peer cities have ordinances that provide flexibility for accessory structure height. This amendment would bring the City closer to the status quo regarding allowing accessory dwelling units to be taller than the principal structure and would be an incremental change in garage height in allowing slightly taller as of right and give homeowners the ability to apply for the variance to increase height.

How will this amendment implement the comprehensive plan?

While staff is concerned that substantially taller garages may conflict with the intent of Policy 5, Action Step p (below), the amendment will generally implement the following applicable policies of *Minneapolis 2040 Plan*:

Minneapolis 2040

Policy 5

Visual Quality of New Development

o. Regulate setbacks, orientation, pattern, materials, height and scale of small scale residential buildings to ensure consistency with built-form guidance and existing context.

p. Encourage detached garages and discourage attached garages for small scale residential buildings, ensure that detached garages are accessory in size and use to the primary small scale residential building.

Policy 68

Energy Efficient and Sustainable Buildings

f. Continue to pursue building code and other regulatory changes such as a stretch energy code to advance energy efficient design and building operations.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows:

A. Text amendment to revise accessory structure height.

Recommended motion: **Approve** the text amendment to revise accessory structure height.

Chapter 525 related to the Zoning Code: *Administration and Enforcement*

Chapter 537 related to the Zoning Code: *Accessory Uses and Structures*

ATTACHMENTS

1. Ordinance amending Ordinance amending Chapter 525 related to the Zoning Code: Administration and Enforcement
2. Ordinance amending Chapter 537 related to the Zoning Code: Accessory Uses and Structures

ORDINANCE

By Gordon

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 525.520 contained in Chapter 20, Administration and Enforcement, be amended to read as follows:

525.520. - Authorized variances. Variances from the regulations of this zoning ordinance shall be granted by the board of adjustment, city planning commission, or city council only in accordance with the requirements of section 525.500, and may be granted only in the following instances, and in no others:

- (1) To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.
- (2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.
 - a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.
- (3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.
- (4) Unless otherwise controlled by conditional use permit, to vary the height requirements for any structure, except signs, ~~provided that the total floor area ratio on the site shall not be exceeded, and provided further that the maximum height of any accessory structure shall not exceed sixteen (16) feet or sixty (60) percent of the height of the structure to which it is accessory, whichever is greater. The maximum height of a detached accessory dwelling unit may be varied, provided that the height of the detached accessory dwelling unit shall not exceed the height of the principal structure.~~
- (5) To permit an increase in the maximum height of a fence.
- (6) To vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces.
- (7) To increase the percentage of required parking spaces that may be satisfied by providing compact spaces.
- (8) To permit parking or accessory structures that cannot comply with the location requirements for on-site parking, or the minimum distance from a dwelling, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.
- (9) To increase by not more than five hundred (500) feet the maximum distance that required parking spaces are permitted to be located from the use served, and where off-site parking is prohibited, to allow off-site parking up to five hundred (500) feet away.

(10) To vary the location of off-site parking, as specified in Table 541-5 Location of Off-Site Parking, provided such off-site parking is not located in a residence or office residence district.

(11) To increase the maximum number of vehicles permitted to be parked outdoors.

(12) To vary the minimum width of single-, two-, and three-family dwellings provided the dwelling is located on a zoning lot existing on the effective date of this ordinance that is forty (40) feet or less in width.

(13) To increase the maximum allowed length of a recreational vehicle, or to permit the parking of such vehicle outside the rear forty (40) feet of the lot, as regulated in Chapter 541, Off-Street Parking and Loading. In no case shall the variance allow such vehicle to exceed thirty-five (35) feet in length.

(14) To reduce the minimum required width of parking aisles or to increase the maximum width of driveways in any zoning district, as regulated in Chapter 541, Off-Street Parking and Loading, or to reduce the minimum required width of driveways in the residence and OR1 Districts from ten (10) feet to eight (8) feet, provided there is no alley or alternative public access to the lot.

(15) To vary the maximum lot coverage and impervious surface coverage requirements.

(16) To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.

(17) To permit development in the SH Shoreland Overlay District on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff.

(18) To permit development in the SH Shoreland Overlay District within fifty (50) feet of a protected water.

(19) To permit alternative forms of flood protection for uses and structures located in the FP Floodplain Overlay District, provided no variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law. In areas designated as AO zones on the flood insurance rate map, a variance may be granted to the requirement that buildings be elevated to one (1) foot above the elevation of the ground surface prior to construction next to the proposed walls of the building, provided the application includes a detailed hydraulic analysis that supports such variance as sound floodplain management and a letter of map revision from the Federal Emergency Management Agency.

(20) To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District.

(21) To vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs.

(22) To vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance. Further, the owner occupancy requirement for accessory dwelling units and the limit of one (1) accessory dwelling unit per zoning lot shall not be varied.

(23) To vary the limit of one (1) principal residential structure per zoning lot for structures located in the R2 District existing on the effective date of this ordinance, provided at least one (1) of the structures shall have a minimum of six thousand (6,000) square feet of floor area.

(24) To permit development on a zoning lot existing on the effective date of this ordinance that cannot comply with the requirement of frontage on a public street, where it is determined that there is sufficient access to the property without such frontage.

(25) To vary the screening and landscaping requirements of this zoning ordinance.

(26) To vary the enclosed building requirements of this zoning ordinance.

(27) To vary the minimum sign spacing standards and nonconforming sign area credits requirements of Chapter 544, Off-Premise Advertising Signs and Billboards, to allow the relocation of an existing off-premise advertising sign of the same or less square footage, where removal of the sign is necessary to allow a development that includes not less than thirty (30) housing units that meet the definition of affordable housing, or to allow a mixed-income development of not less than thirty (30) housing units that receives city financial assistance, or to allow a capital improvement project of a governmental agency. An existing off-premise advertising sign shall include but not be limited to a sign existing on June 17, 2002.

(28) To vary the width and location restrictions on attached garages facing the front lot line for residential uses.

(29) To vary the development standards of Chapter 535, Plazas and Skyways.

(30) To vary the requirement for enclosed storage for new single-, two-, and three-family dwellings.

(31) To permit curb cut access to the street for properties with an alley that serves a single-, two-, or three-family dwelling.

Section 2. That Section 537.50 contained in Chapter 20, Accessory Uses and Structures, be amended to read as follows:

537.50. - Maximum height. (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance. The maximum height of detached accessory dwelling units shall be governed by section 537.110.

(b) *Accessory structures located in the residence and OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 district shall not exceed ~~the height of the principal structure or twelve (12), whichever is less~~ thirteen (13) feet. The wall height shall not exceed ten (10) feet from grade to the exterior intersection of the wall and the roof rafters for hip, gable, or flat roofs and for the low eave side for shed roofs. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, ~~and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.~~ The zoning administrator shall conduct the administrative review of all applications to increase the maximum height of accessory structures. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

(c) *Accessory structures located in all other districts.* Structures accessory to a structure originally designed or intended as ~~a single- or two- and three- family dwelling or a multiple family dwelling of three (3) or four (4) single-, two- and three-family dwelling units,~~ three (3) or four (4) single-, two- and three-family dwelling units, shall not exceed ~~the height of the principal structure or twelve (12), whichever is less~~ thirteen (13) feet. The wall height shall not exceed ten (10) feet from grade to the exterior intersection of the wall and the roof rafters for hip, gable, or flat roofs and for the low eave side for shed roofs. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure, ~~and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.~~

Section 3. That Section 537.110 contained in Chapter 20, Accessory Uses and Structures, be amended to read as follows:

537.110. - Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

Accessory dwelling units. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

(1) The principal residential structure shall be a permitted or conditional single-family or two-family dwelling, accessory dwelling units shall be prohibited accessory to all other uses.

(2) No more than one (1) accessory dwelling unit shall be allowed on a zoning lot.

(3) The creation of an accessory dwelling unit shall not create a separate tax parcel.

(4) Balconies and decks shall not face an interior side yard.

(5) Rooftop decks shall not be allowed.

(6) An owner of the property must occupy at least one (1) dwelling unit on the zoning lot as their primary place of residence.

a. If an owner is unable or unwilling to fulfill the requirements of this section, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit. Failure to do so will constitute a violation of this section.

b. Prior to issuance of a permit establishing an accessory dwelling unit, the owner(s) shall file with the Hennepin County recorder a covenant by the owner(s) to the City of Minneapolis stating that the owner(s) agree to restrict use of the principal and accessory dwelling units in compliance with the requirements of this section and notify all prospective purchasers of those requirements.

c. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The covenant shall be in a form prescribed by the zoning administrator that includes the legal description of the zoning lot. The property owner(s) shall return the original covenant with recording stamp to the zoning administrator before the building permit for the accessory dwelling unit is issued.

d. At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator shall record a release of any previously recorded covenant for that accessory dwelling unit.

(7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:

a. Internal accessory dwelling units are limited to eight hundred (800) square feet. The gross floor area of an internal accessory dwelling unit may exceed eight hundred (800) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of January 1, 2015. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.

b. The entire internal accessory dwelling unit shall be located on one (1) level.

c. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

d. Stairways leading to an attached accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

(8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:

a. The maximum gross floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.

b. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.

c. Stairways leading to an internal accessory dwelling unit located above the ground floor of a principal residential structure shall be enclosed or located entirely to the rear of the principal residential structure.

d. The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

(9) Detached accessory dwelling units shall also comply with the following requirements:

a. ~~A detached accessory dwelling unit shall not exceed the height of the principal residential structure or twenty (20) feet, whichever is less. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure. Except as authorized by variance, a detached accessory dwelling unit shall not exceed twenty-one (21) feet in height.~~

b. The gross floor area of a detached accessory dwelling unit, including any areas designed or intended to be used for the parking of vehicles and habitable floor area on all levels, shall not exceed one thousand three hundred (1,300) square feet or sixteen (16) percent of the lot area, whichever is greater. In no case shall the gross floor area exceed one thousand six hundred (1,600) square feet or exceed the gross floor area of the principal dwelling, whichever is less.

c. When a lot includes a detached accessory dwelling unit, the combined floor area of the footprint of the detached accessory dwelling unit, and all other accessory structures and uses designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one-thousand (1,000) square feet.

d. The minimum interior side yard requirement for a detached accessory dwelling unit shall not be less than three (3) feet.

e. The minimum rear yard requirement for a detached accessory dwelling unit may be reduced to three (3) feet, except where vehicle access doors face the rear lot line, in which case no reduction of the required yard is permitted.

f. A detached accessory dwelling unit on a reverse corner lot shall be no closer to the side lot line adjacent to the street than a distance equal to two-thirds of the depth of the required front yard specified in the yard requirements table of the district of the adjacent property to the rear. Further, a detached accessory dwelling unit shall not be located within five (5) feet of a rear lot line that coincides with the side lot line of a property in a residence or office residence district.

g. The distance between the detached accessory dwelling unit and the habitable portion of the principal residential structure shall be a minimum of twenty (20) feet.

h. The primary exterior materials of the detached accessory structure shall be durable, including but not limited to masonry, brick, stone, wood, cement-based siding, or glass.

i. Not less than five (5) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.

j. Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

(10) The zoning administrator shall conduct the administrative review of all applications for an accessory dwelling unit. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.









3108









3527





Liska, Andrew

From: Wittenberg, Jason W.
Sent: Friday, January 17, 2020 4:11 PM
To: Liska, Andrew
Subject: FW: [EXTERNAL] ADU discussion

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Christopher Strom <chris@christopherstrom.com>
Sent: Friday, January 17, 2020 3:50 PM
To: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>
Subject: RE: [EXTERNAL] ADU discussion

OK, thank you. I was wondering about how a letter could be focused on specific concerns they have about the accessory height.

Best,
Chris.

Chris Strom, AIA
Principal

CHRISTOPHER STROM ARCHITECTS

www.christopherstrom.com

www.secondsuite.org

612-961-9093



From: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>
Sent: Friday, January 17, 2020 3:48 PM
To: Christopher Strom <chris@christopherstrom.com>
Subject: RE: [EXTERNAL] ADU discussion

Interesting that you ask. They traditionally have not, but they are going to start. As I'm not in charge of the planning commission any longer, I don't know when they plan to start.

From: Christopher Strom <chris@christopherstrom.com>
Sent: Friday, January 17, 2020 3:45 PM

To: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Subject: RE: [EXTERNAL] ADU discussion

Last question: does the CoW publish meeting minutes?

Best,
Chris.

Chris Strom, AIA
Principal

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www.secondsuite.org

612-961-9093



From: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Sent: Friday, January 17, 2020 3:34 PM

To: Christopher Strom <chris@christopherstrom.com>

Subject: RE: [EXTERNAL] ADU discussion

Probably no later than about Jan. 31. But probably within about the next week or so if you hope it will influence the staff report and recommendation. 😊

From: Christopher Strom <chris@christopherstrom.com>

Sent: Friday, January 17, 2020 3:32 PM

To: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Subject: RE: [EXTERNAL] ADU discussion

Thank you, I appreciate the insight.

What is the best timing for a letter? ASAP or do I have a little more time?

Best,
Chris.

Chris Strom, AIA
Principal

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612-961-9093



From: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Sent: Friday, January 17, 2020 3:30 PM

To: Christopher Strom <chris@christopherstrom.com>

Subject: RE: [EXTERNAL] ADU discussion

Probably not. Although this is a legislative item rather than quasi-judicial—so it wouldn't necessarily be improper for them to have conversations outside of the public process—I think it's best to either submit a letter for the record or come to the public hearing and advocate for provisions you think are important. Given that it's possible that would be approved on the consent agenda, writing a letter is probably the safest and most effective thing. You could submit that to Andrew Liska at any point for inclusion in the record, if you decide to go that route.

Jason

From: Christopher Strom <chris@christopherstrom.com>

Sent: Friday, January 17, 2020 3:00 PM

To: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Subject: RE: [EXTERNAL] ADU discussion

Thanks. Interesting.

Is there any point in reaching out to discuss this issue with members of the CoW?

Best,
Chris.

Chris Strom, AIA
Principal

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612-961-9093



From: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Sent: Friday, January 17, 2020 2:16 PM

To: Christopher Strom <chris@christopherstrom.com>

Subject: RE: [EXTERNAL] ADU discussion

Well, the commission was fairly divided about the prospect of having any kind of accessory structure that might be significantly taller than the home to which it is supposed to be accessory. No clear consensus. At the moment, I don't know if our recommendations will change significantly from what was provided to them at CoW.

Jason

From: Christopher Strom <chris@christopherstrom.com>

Sent: Friday, January 17, 2020 10:19 AM

To: Wittenberg, Jason W. <Jason.Wittenberg@minneapolismn.gov>

Subject: [EXTERNAL] ADU discussion

Hi Jason:

How did the CoW meeting go yesterday related to ADU's?

Best,
Chris.

Chris Strom, AIA
Principal

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612-961-9093



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Liska, Andrew

From: Brit Anbacht <brit.vulcan@gmail.com>
Sent: Friday, January 17, 2020 4:32 PM
To: Liska, Andrew
Subject: [EXTERNAL] Planning Commission - ADU height

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr. Liska,

Please add this letter of support to the record for the proposed ADU changes:

I am a homeowner in 55419 who is currently trying to build an accessory dwelling unit for my 1.5 story house. We are contracted with an architect and are about half way through the process but have hit a halting snag. My home is 16 ft. tall, peak is 22 ft and aligns with the road eaves are 10 ft, and as such I am currently restricted to having a 16 foot tall ADU, which prevents me from building a full two story structure.

This is a real problem!

We are having a kid this year, and I work full time from home. In order to make this work it will be extremely helpful to have an office and an apartment to rent out to help pay for the new construction. But, because of the current restrictions in order to have that space i would need to have a split level and sink my building at least 4 feet or to just give up on having the apartment all together since the office is the real driver for me and current restrictions mean the first floor of an ADU is a MAX of 676 sq ft. (for most lots and certainly mine), and while housing more people is a great bonus i need that office space. But, not having that apartment makes building even the office not pencil out well.. which pushes me from not commuting to having to commute full time and rent an office somewhere else.

Mainly the issue here is that zoning is how we STOP people from doing things. Zoning rules tell us what is allowed, not what is correct. Zoning is not a moral judgement, but does have results which can be unjust. The current rules which limit ADU height to less than the main home are deeply unfair and create incentives for anybody with a bungalow to tear down and build up their house to a mini-McMansion (2.5 stories) in order to have the same ADU building rights that our neighbors with taller houses have.

Please encourage the Planning Commission to pass the new rules you have presented which allow the ADU to be taller than the main home. Allowing the ADU to be taller than the main house is critical if we want to preserve older neighborhood homes while pursuing our need for more neighbors and better density which supports our 2040 goals.

Thank you,
Brit Anbacht

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Liska, Andrew

From: Andrew Liska <andrew.liska@gmail.com>
Sent: Monday, January 27, 2020 1:47 PM
To: Liska, Andrew
Subject: [EXTERNAL] Fwd: FW: Feb. 10th ADU height policy vote

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Weinmann, Karlee <karlee.weinmann@minneapolismn.gov>
Date: Mon, Jan 27, 2020 at 1:35 PM
Subject: FW: Feb. 10th ADU height policy vote
To: Andrew Liska

Hi Andrew,

Please include the following note in the public record regarding the proposed zoning code text amendment related to accessory structure height.

Thanks,

Karlee

Karlee Weinmann

Policy Aide

[Council Member Jeremy Schroeder, Ward 11](#)

City of Minneapolis – City Council

350 S. Fifth St. -- Room 307
Minneapolis, MN 55415

Office: (612) 673-2211

Cell: (612) 240-2129

karlee.weinmann@minneapolismn.gov

she/her/hers

Subscribe to the Ward 11 email newsletter [here](#).

From: Brit Anbacht [mailto:brit.vulcan@gmail.com]

Sent: Wednesday, January 22, 2020 2:27 PM

To: Schroeder, Jeremy <jeremy.schroeder@minneapolismn.gov>

Subject: Feb. 10th ADU height policy vote

Dear Jeremy,

I am a homeowner in 55419 who is currently trying to build an accessory dwelling unit (carriage house/fonzie pad) for my 1.5 story house. We are contracted with an architect and are about half way through the process but have hit a halting snag. My home is 16 ft. tall, peak is 22 ft and aligns with the road and eaves are 10 ft. And as such I am currently restricted to having a 16 foot tall ADU, which prevents me from building a full two story (20') structure.

This is a real problem!

ADUs can only have 676 sq ft on the main floor. They are restricted to a maximum of a total of 1300 sq ft on a typical 5000 sq ft lot. The addition of these stringent height requirements puts a stranglehold on the types of buildings that can be created and makes ADUs untenable for the typical bungalow and 1.5 story houses we have here in south Minneapolis. Someone with a 2.5 story house can build a full 20'-21' ADU while I, and most of my neighbors, are restricted to the height of our main house, despite the fact that I can see the back lot neighbor behind the 1-1.5 story homes anyhow. Why should it matter that the next visible home is on the same or an adjacent lot?

Mainly the issue here is that zoning is how we STOP people from doing things. Zoning rules tell us what is allowed, not what is correct. Zoning is not a moral judgement, but does have results which can be unjust. The current rules encourage teardowns (a rebuilt-taller home has better ADU rules) and create an unfair standard for shorter homes like those in south Minneapolis.

Passing Cam Gordon's proposed changes, which are supported by the Planning staff, on February 10th to allow an ADU to be taller than the home on the same lot will allow more homeowners like me to create more homes while keeping the general same kind of density and style of the neighborhood.

Thank you,
Brit Anbacht

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Liska, Andrew

From: Amos Budde <amos.budde@gmail.com>
Sent: Wednesday, January 29, 2020 8:21 AM
To: Liska, Andrew
Subject: [EXTERNAL] ADUs

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrew,

My name is Amos Budde and I live with my family on Colfax Ave S near 46th St. We just moved here this year from Chicago to be with family (my wife and I have a 9 month old child, and we both have parents and other family based in Minneapolis).

I'm writing you, because I learned that there is a hearing coming up about Accessory Dwelling Units. ADUs are especially appealing to me and my family, because one of the main reasons we moved back to Minneapolis was to be near family. I would love to have an arrangement where I can easily share space with my parents, in-laws, or aunt / uncle as they age. It would be so convenient to us, and I believe it will help keep our family living together longer. I know that there are other good reasons for ADUs, but this is the one that compelled me to send you this note.

So I'm asking and hoping that you support removing the limitation that ADUs height be shorter than the main building on the property. It will remove a barrier to building ADUs that I think is unnecessary, somewhat arbitrary, and unfair to certain property types.

I understand the need to keep ADUs from being unwieldy, or essentially a second big building on a parcel. I believe the current limitations of 21' and 1300 sq ft ensure that will happen.

I appreciate your time and thoughtful consideration of the issue.

Amos

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Liska, Andrew

From: Christopher Strom <chris@christopherstrom.com>
Sent: Wednesday, January 29, 2020 10:26 AM
To: Liska, Andrew
Cc: Wittenberg, Jason W.
Subject: [EXTERNAL] Accessory Structure Height: Detached ADU's
Attachments: ADU Sightline Diagram 2020-01-28.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Andrew:

I am writing to advocate for two specific changes to the ordinance governing detached Accessory Dwelling Units in Minneapolis. Thank you for your consideration of the following two items:

1. Minneapolis residents should be able to build an ADU taller than the Primary Dwelling, as long as it conforms to a uniform height limit.
 - a. Under the current restriction, it is unfair that residents who own small, short homes face greater limitations to expand their livable space with an ADU. In my experience, residents with smaller primary dwellings have to greatest need for additional space, whether it be for themselves, an older relative, a person with special needs, a home office, a grown child, etc.
 - b. I have heard that the Planning Commission is fairly divided about the prospect of having any kind of accessory structure that might be significantly taller than the home to which it is supposed to be accessory. To directly address this concern, I have created the attached diagram. As you can see, even with a very short house and an ADU built to 21 feet, there is no significant change to neighborhood context or urban fabric. I believe the concern about the Accessory /Primary height relationship is a moot point.
2. ADU's should be allowed to be 21 feet tall, instead of 20.
 - a. 21 feet would allow for greater flexibility in insulating below the mechanical and plumbing lines located in the floor structure between a first-floor garage (cold) and second floor dwelling unit (warm).
 - b. The current 20 feet is a very restrictive height limitation; St. Paul allows detached ADU's to be 25 feet tall.
 - c. 22, 23, or 24 feet would be even more amenable to fitting together the "stack" of spaces on properties with variable grades. But we'll take 21!

I have a few other ideas for improving the code for residents interested in ADU's, but for now, I am asking that you include the above two items in the record for discussion. I plan to attend the Planning Commission Meeting on February 10 and will be open to any questions about these items at that time or in preparation for this meeting.

Thank you for entering this email and attached diagram into the record!

Best,
Chris.

Christopher Strom, AIA
Principal

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www.christopherstrom.com

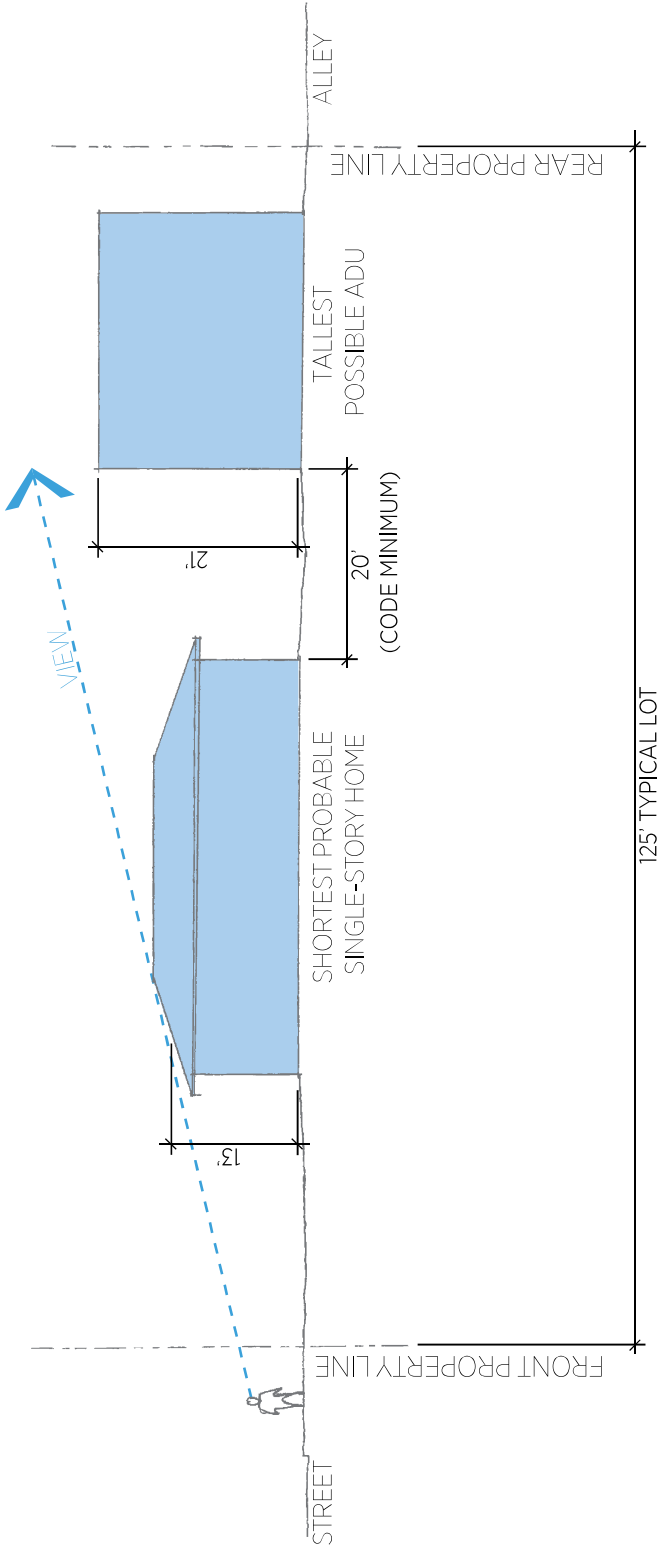
www.secondsuite.org

612-961-9093

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ADU's IN SINGLE-STORY NEIGHBORHOODS

EVEN BEHIND A VERY SHORT, SINGLE-STORY HOME,
A 2-STORY ADU IS NOT DIRECTLY VISIBLE FROM THE STREET.



Liska, Andrew

From: Robert Haider <robert.j.haider@gmail.com>
Sent: Tuesday, January 28, 2020 9:35 AM
To: Liska, Andrew
Subject: [EXTERNAL] ADU height restrictions

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Mr. Liska -

As the 2040 Plan is being implemented and ADU height restrictions are being discussed, I am writing in support of eliminating the requirement that ADUs be shorter than the main building on the lot. By allowing ADUs to exceed the height of main buildings—or, at a minimum, allowing variances for ADU heights to be taller than the main building—the City will help address a number of problems 2040 is intended to mitigate.

Thank you for your consideration on this matter.

Robert Haider
2718 W 40th St.
Minneapolis, MN 55410

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Liska, Andrew

From: Galen Ryan <galenberd@gmail.com>
Sent: Monday, January 27, 2020 10:55 PM
To: Liska, Andrew
Cc: Cano, Alondra; Faulkner, Graham R
Subject: [EXTERNAL] Support for Increasing ADU Heights

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Andrew,

I am writing to demonstrate support for revising the ADU zoning code to not be bound to the height of the main home. Tying the height of an ADU to the height of the main building unnecessarily privileges certain home owners over others. Lifting tight restrictions on ADU development can allow more residents to take advantage of the opportunity. In doing so, they can create more housing, more income for themselves, and increase property tax revenue within the city. In order to meet demanded subsidies for affordable housing, the city must allow more housing, at all rent levels, to be built by the private market. I am not yet a home/property owner in Minneapolis, but I hope to take advantage of the opportunity sometime soon.

Thank you for your time,
Galen
2850 Cedar Ave S
Ward 9 Resident

--

Galen Ryan (he, him, his)
galenberd@gmail.com

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

Liska, Andrew

From: Liz Moen <lizmoen@gmail.com>
Sent: Monday, January 27, 2020 9:22 PM
To: Liska, Andrew
Subject: [EXTERNAL] ADU Heights

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mr. Liska,

I am writing in support of easing restrictions on ADU heights in the 2040 plan. Our increasing need for varied housing options should override vague concerns about aesthetics. I work in homeless services, and I can tell you our number one struggle is the low vacancy rates across the metro. Opening up creative housing options is vital to reducing and ending homelessness.

Thanks for your consideration,
Liz Moen
Northeast Mpls

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Liska, Andrew

From: Zaffrann, David
Sent: Tuesday, January 28, 2020 10:16 AM
To: Liska, Andrew
Cc: Chowdhury, Aurin
Subject: ADU height modification

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Andrew – we have a constituent designing an ADU who is wondering about the status of the potential change to ADU height. After CPC COW last week, what is the timeline? Do you know when it will go back before CPC, and do you anticipate any changes?

Let me know what I can pass along.

Thanks,

David Zaffrann
Senior Policy Aide

City of Minneapolis
[Council Member Steve Fletcher, Ward 3](#)
350 S. Fifth St. – Room 307
Minneapolis, MN 55415

Office: 612-673-2203
Direct: 612-673-3142
david.zaffrann@minneapolismn.gov
He/Him

Liska, Andrew

From: Janis Lysen <janlysen07@gmail.com>
Sent: Tuesday, January 28, 2020 12:00 PM
To: Liska, Andrew; Gordon, Cam A.
Subject: [EXTERNAL] ADU policy change

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Andrew and Cam, I am writing in support of the proposed policy change to ADU heights. Some neighborhoods have larger home sizes and can accommodate the existing policy for ADU heights, some do not. Living in a neighborhood with more modest homes shouldn't be a barrier to adding this kind of density. I appreciate your efforts to make this change. Thanks so much.

Jan Lysen (Ward 2 resident)
2849 42nd Ave S

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Liska, Andrew

From: Nicole Salica <nsalica@gmail.com>
Sent: Tuesday, January 28, 2020 7:30 PM
To: Liska, Andrew; Cano, Alondra
Subject: [EXTERNAL] ADU zoning change

Follow Up Flag: Follow up
Flag Status: Flagged

I support removing height limits on ADUs. more ADUs=more homes=more people living where they want. why does the "main house" on a lot set the height limit for a future house being built on that lot? let the small and large houses alike have beautiful ADUs.

Thanks.

[EXTERNAL] This email originated from outside of the City of Minneapolis. Please exercise caution when opening links or attachments.

Liska, Andrew

From: evan roberts <evanrobertsnz@gmail.com>
Sent: Wednesday, January 29, 2020 1:48 PM
To: Liska, Andrew; Gordon, Cam A.
Subject: [EXTERNAL] Comments on ADU policy proposal change

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Andrew Liska

I am writing in broad support of [my] CM Gordon's proposed amendments to the regulations governing ADU construction in Minneapolis. The object of allowing ADU construction is to permit gradual increases in residential density, and to do this in a way that balances the family and other needs of residents. ADUs allow a degree of privacy but also connection to the existing residents of the property. If rented they offer a valuable opportunity for people to earn additional income from their property.

I strongly support allowing ADUs to be built up to whatever height limit is established for any dwelling in the area. There is little public policy rationale for restricting them to be no higher than the existing unit. Restricting them to the height of existing dwelling confers greater opportunities to build useful ADUs on people with existing 2-3 story houses.

I read through the staff memo, and the only concern that I could identify as being at issue here was a "cohesive built environment". As a city that has been evolving for 150 years Minneapolis streets have little cohesion. There are multiple instances of 1 story houses by 3 houses, and 2 story houses by [essentially] 4 story schools and churches. Allowing an ADU, which is highly likely to be on an alley, to be taller than the existing 1 story garages and sheds is not going to cause any meaningful harm.

By allowing people to use their own property to house more people, more flexibility in ADU construction helps us meet environmental and public safety goals and supports a greater population to support local businesses. I urge that staff recommend the adoption of CM Gordon's amendments, and my thanks to CM Gordon for supporting these valuable changes,

Evan Roberts
49 Arthur Ave SE
Minneapolis, MN 55414

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Liska, Andrew

From: John Hanley <jmhanley2012@gmail.com>
Sent: Thursday, January 30, 2020 2:37 PM
To: Liska, Andrew; Bender, Lisa
Subject: [EXTERNAL] support for increased ADU heights

Follow Up Flag: Follow up
Flag Status: Flagged

Andrew and Lisa, I am a Ward 10 resident writing to express my support for permitting ADUs to be taller than the original house on the lot, since I understand the issue will soon be before the Planning Commission. ADUs are a great way to "gently" add more housing to single family neighborhoods. This not only helps address the housing shortage, but also enables homeowners to accommodate family members or earn extra income. Minneapolis has a lot of neighborhoods with short bungalows on adequately sized lots where ADUs would work perfectly. But these height rules get in the way, making ADUs smaller or financially nonviable, and as a result could even encourage teardowns. It seems like we could ease some of these restrictions without any serious damage.

John Hanley

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Liska, Andrew

From: Ron Korsh <ronkorsh@gmail.com>
Sent: Monday, February 3, 2020 8:59 AM
To: Liska, Andrew
Subject: [EXTERNAL] ADU Height Regulation

Follow Up Flag: Follow up
Flag Status: Flagged

Minneapolis Planning Commission

As the designer of a proposed new ADU in the Sheridan neighborhood, I'm in vigorous support of raising the permitted ADU height to 22 ft, from the current 20 ft height regulation.

In laying out a alley garage and living unit above with typical 8 ft ceiling heights per floor and normal 16" clear span wood floor trusses to avoid posts in the garage,

the overall height is already at 17 ft 4 in. And raising the structure a common 8" to account for snow and ground water brings it to 18 ft.

That leaves a 2 ft height for the entire roof structure including the code required insulation, thus practically forcing a flat or low sloped shed type roof.

Consequently most typical Minneapolis higher sloped hip and gable type roofs are not allowed, even accounting for their allowed height to be counted as half way up the roof.

Although the proposed 22 ft height limit does not completely eliminate this issue, at least it gets closer to the desire of most homeowners that an ADU should be designed in sympathy and in context with the typical hip and gable roofs on almost every Minneapolis home.

Ron Korsh
ronkorsh@gmail.com
612-282-9823

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